UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

JUL 27 2009

Gregory B. Kirkbride
Commandant (CG-523)
U.S. Coast Guard Headquarters
2100 Second Street, NW
Washington, DC 20593

Dear Mr. Kirkbride:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the U.S. Coast Guards' final Programmatic Environmental Impact Statement (PEIS) for the Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (CEQ No. 20090214).

The PEIS examines the USCG's proposed regulations to increase the oil removal capability requirements for tank vessels and marine transportation-related (MTR) facilities. The PEIS states that this is needed to ensure the ability to mitigate the adverse impacts of oil spills on the environment by optimizing the uniform availability of oil spill response capabilities. The proposed alternatives have the potential to influence the availability of equipment related to three response options: mechanical recovery, in-situ burning, and chemical dispersion. The preferred alternative would require planholders to maintain on-water mechanical recovery capability at current levels, establish a dispersant application capability and aerial tracking capability.

EPA remains concerned about the potential environmental impacts from dispersant application. The long-term fate of dispersed oil is unknown because the use of chemical dispersion has not been extensively studied on actual oil spills (most studies are conducted in labs or tank tests). For example, very little is known about the dispersed oil stability, recoalescence, phototoxicity, and resurfacing of oil that may occur after chemical dispersant use. Dispersed oil may also be transported by wind, tides, and currents to sensitive and nearshore areas. Some studies suggest that chemical dispersants may have potential endocrine effects on aquatic species and may be persistent in the environment. EPA suggests that Special Monitoring of Applied Response Technologies (SMART) protocol teams be deployed to monitor the dispersant applications. This can provide information on where the dispersed oil goes and what happens to it over time. Since there are so many unpredictable factors with dispersant applications in the field due to numerous variables, SMART can be an important tool to use in scientifically measuring the effectiveness of dispersant application.

EPA also suggests that training be provided to the Federal On-Scene Coordinators (FOSCs) on dispersants so that the FOSCs may make educated decisions and understand the variables involved with dispersant application. This may include using the Selection Guide, having a working knowledge of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Product Schedule, understanding the regulations behind dispersant use, and an understanding of the dispersant pre-authorization zones.

We appreciate the opportunity to review this final PEIS. The staff contact for this review is Candi Schaedle; she can be reached at (202) 564-6121.

Sincerely,

Susan E Bromm

Susan E. Bromm
Director
Office of Federal Activities